

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

**COVETRUS, INC. and
VETERINARY DATA SERVICES, INC.,**

Plaintiffs/Counter-Defendants,

v.

ACTIAN CORPORATION,

Defendant/Counter-Plaintiff.

CASE NO. 2:21-CV-00097-LEW

PLAINTIFFS' SUPPLEMENTAL STATEMENT OF MATERIAL FACTS

Pursuant to the Order granting Plaintiffs' Motion for Leave to Supplement the Statement of Material Facts in Support of their Motion to Refer Under Section 17 U.S.C. § 411 (b)(2) (Doc. 229), Plaintiffs respectfully submit the following additional material facts, which supplement their Rule 56 Statement of Material Facts (Doc. 196-1):

62. Actian verified all facts stated on its Certificate of Registration TX 9-260-358 for software titled "Data Integrator v. 9.2.7.10 Engine," including but not limited to May 16, 2013 being the date of first publication. (Doc. 213-1 at PID # 3316-17).

63. Actian verified all facts stated on its Certificate of Registration TX 9-260-777 for software titled "Data Integrator v. 9.2.6.6 Engine," including but not limited to January 9, 2013 being the date of first publication. (Doc. 213-1 at PID # 3312-13).

64. Actian verified all facts stated on its Certificate of Registration TX 9-260-366 for software titled "Data Integrator v. 9.2.6.6 UI," including but not limited to January 9, 2013 being the date of first publication. (Doc. 213-1 at PID # 3314-15).

65. The effective date of copyright registration for Actian's Data Integrator v. 9.2.7.10 Engine (TX 9-260-358), Data Integrator v. 9.2.6.6 Engine (TX 9-260-777) and Data Integrator v. 9.2.6.6 UI (TX 9-260-366) is May 11, 2023.

Dated: August 25, 2023

Respectfully submitted,

/s/ Paul McDonald

Paul McDonald
BERNSTEIN SHUR
100 Middle Street, P.O. Box 9729
Portland, Maine 04104-5029
(207) 774-1200
pmcdonald@bernsteinshur.com

Danielle J. Healey, admitted *pro hac vice*
SPENCER FANE LLP
3040 Post Oak Blvd., Suite 1400
Houston, TX 77056-6560
(713) 212-2697
dhealey@spencerfane.com

Stephen J. Zralek, admitted *pro hac vice*
SPENCER FANE LLP
511 Union Street, Suite 1600
Nashville, TN 37219
(615) 238-6305
szralek@spencerfane.com

*Attorneys for Plaintiffs/Counter-Defendants
Covetrus, Inc. and
Veterinary Data Services, Inc.*

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on August 25, 2023, a true and correct copy of the foregoing document was electronically filed via the Court's CM/ECF system, which will send a notification of electric filing to all counsel of record who have appeared in this case.

/s/ Paul McDonald
Paul McDonald